

REMARKS

Claims 1-3, 5-9, 11-14, 16, and 17 are pending in this application, with claims 1, 7, and 12 being the independent claims. Claims 1, 7, and 12 have been amended. No claims have been canceled. No new matter has been added.

In the office action dated December 23, 2010, claims 1-3, 5-9, 11-14, 16, and 17 are rejected under 35 U.S.C. §103. The outstanding rejections to the claims are respectfully traversed.

Rejections under 35 U.S.C. §103

In the final rejection, claims 1-3, 5-9, 11-14, 16, and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,366,934 issued to Cheng *et al.* (hereinafter “Cheng”) in view of U.S. Patent No. 7,092,933 issued to Milby (hereinafter “Milby”). This rejection is respectfully traversed.

Claim 1 recites “persisting the object within a database store; *storing content of the at least one of the plurality of fields defined as having the XML data type as a binary SQL type.*” This subject matter is not disclosed or suggested by the asserted references.

The office action asserts that Cheng, at column 7, line 59 – column 8, line 6, discloses persisting the object within a database store. While this section of Cheng discloses storing data and metadata of XML documents, this section fails to disclose or suggest storing content of a field having an XML data type as a binary SQL type. Indeed, Cheng fails to even mention binary SQL types. Therefore, Cheng cannot be said to disclose or suggest “storing the at least one of the plurality of fields defined as having the XML data type as a binary SQL type”, as claimed in claim 1.

Milby fails to cure the aforementioned deficiencies of Cheng. The asserted sections of Milby disclose methods for generating constructors for user-defined data types. Like Cheng, Milby fails to even mention binary SQL types. Therefore, Milby cannot be said to disclose or suggest “storing the at least one of the plurality of fields defined as having the XML data type as a binary SQL type”, as claimed in claim 1.

Because Cheng and Milby, taken individually or together in any combination, fail to disclose or suggest the subject matter of claim 1, Cheng and Milby cannot be said to render obvious the subject matter of claim 1. For similar reasons, Cheng and Milby cannot be said to anticipate or render obvious the subject matter of independent claims 7 and 12. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 7, and 12 are respectfully requested.

It is acknowledged that the office action asserts additional grounds for rejection of the claims that are dependent upon claims 1, 7, and 12. However, in view of the traversals set forth with respect to the independent claims, it is believed that all such dependent claims are in condition for allowance by virtue of their dependence upon independent claim 1, 7, and 12, rendering the rejections of those claims moot. Moreover, the remaining claims recite features that provide a separate basis for patentability. Therefore reconsideration and withdrawal of the rejections of all claims that depend from independent claims 1, 7, and 12 is respectfully requested. The right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming is reserved.

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CONCLUSION

In view of the foregoing, this application, including claims 1-3, 5-9, 11-14, 16, and 17, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the examiner is invited to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,

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